

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 622 – SB 1317

March 17, 2015

SUMMARY OF ORIGINAL BILL: Changes the age group for which the offense of underage driving while impaired (DWI) applies from age 16 through age 20, to age 16 through age 17, which effectively increases the allowable blood alcohol content for a person age 18 through age 20 from 0.02 percent to 0.08 percent for purpose of determining the driving violation. Authorizes judges to order the issuance of a restricted license or the use of an ignition interlock device for individuals age 16 and 17 who commit the offense of underage driving while impaired.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures - \$25,700/Incarceration*

SUMMARY OF AMENDMENT (004418): Rewrites subdivision (a)(1) in section one to remove “that which” and substituting instead “that” so that the language reads “Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver’s ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and self-control that the driver would otherwise possess.”

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the corrected fiscal note.

Assumptions for the bill as amended:

- The proposed legislation repeals the offense of underage driving while impaired for persons between 18 and 21 years of age. Under current law, a driver between 18 and 21 years of age convicted of driving while impaired commits a Class A misdemeanor punishable only by suspension of the driver’s license and a \$250 fine. Under the proposed legislation, the driver would be convicted under the DUI statute.
- Under current law, a driver convicted of DUI must serve a minimum of 48 hours in jail. The cost of housing these individuals is borne by local governments.
- According to statistics from the Department of Safety (DOS), there has been a three-year average of 206 convictions per year for underage driving while impaired that involved a driver between 18 and 21 years of age.

HB 622 – SB 1317

- The proposed legislation would result in 206 drivers per year serving a 48-hour mandatory minimum sentence that would otherwise be punished by license suspension and a fine.
- The estimated 2015 cost per inmate per day for local jails is \$62.39.
- The proposed legislation will result in a mandatory increase in local expenditures of \$25,705 (206 convictions x 2 days x \$62.39).
- The Department of Safety confirms this bill will have no fiscal impact on departmental operations.
- It is assumed that the cost of the ignition interlock device shall be burdened by the offender.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding", written in a cursive style.

Jeffrey L. Spalding, Executive Director

/dwl